

Remarks

35 U.S.C. §112

Applicants refer to sections 3 and 4 of the final Office Action bridging pages 8 and 9 thereof.

The Examiner alleges that the change made to some of the claims in applicants' response of November 28, 2006 to replace the term "set-up" by the term "establish" is not supported by the specification. This rejection is not understood, particularly because the Examiner provides no reasoning why he considers this to be the case.

The title of the application as filed is "Establishing Telephone Calls at Specified Times". Claim 1 as filed has a pre-ambble comprising "A method of *establishing* a telephone call over a communications network at a specified time using a web-based telephony application". Reference to "establishing" or derivatives thereof is made at numerous places throughout the specification. Furthermore, one of ordinary skill in the art would have no doubt that the invention is equally applicable to the "establishment of a telephone call" as it is to the "set up of a telephone call" and so the feature of establishing a call, in addition to being explicitly disclosed, is inherently disclosed by the specification as filed.

The abovementioned change effected in applicant's response of November 28, 2006 was to render the terminology of the claims consistent throughout. If the Examiner remains of the view that the aforementioned change is still objectionable then he is requested to reverse the change by Examiner's Amendment by replacing "establish", etc. by "set up" etc. at those points in the claims previously affected, although applicants believe this to be totally unnecessary.

The Examiner also alleges that the claimed invention fails to define what is considered as "automatic" as the claimed invention contains manually provided time

and the specification fails to mention about “without manual intervention”. Applicants also fail to understand how the Examiner has arrived at this conclusion.

As a point of interest, claim 1 does not contain the limitation “manually provided time”. Although the exemplary embodiments of the invention are based on a user providing to, say, a conference call application a future specified time, it is not inconceivable to one skilled in the art that the future specified time may be machine determined, requiring no manual element.

Notwithstanding the latter point, it is not necessary for the specification to define that the term “automatic” means “without manual intervention”, because this is the ordinary meaning of this term and applicants have not tried to contend otherwise.

The Examiner's objection to the term “automatically” as used in claim 1, for example, seems to rest on the fact that the method defined by claim 1 may or does involve a manually specified future time and thus involves manual intervention, i.e. is not “automatic”. Applicants respectfully disagree.

The feature of automaticity in the claims quite clearly concerns what happens at the specified future time. In other words, the feature “to instruct a telephony apparatus to automatically establish a telephone call” is limited by the condition that it occurs at the “specified future time” and is performed by the web-based telephony application at that time. This is the only meaning that can be drawn from, for example, the wording of claim 1 taking the ordinary meaning of the words of that claim. Any broader meaning asserted is a perverse misconstruction of what one skilled in the art would reasonably read into the wording of the claims. In this connection, if it assists the Examiner's consideration of the claims and renders the claims more clear, applicants are willing to delete the word “automatically” from line 1 of the preamble of claim 1 and wherever else in the claims it is appropriate to do so in order to clarify that the automatic feature of the invention concerns the instructing by the web-based telephony application of a telephony apparatus to establish a telephone call automatically, i.e. without manual intervention, at the specified future

time. However, applicants believe this is unnecessary because one skilled in the art would unambiguously understand the nature of the claims limitations giving the language of the claims its ordinary meaning.

35 U.S.C. §103(a)

The Examiner has maintained his rejection of claims 1 to 3, 11, 19 and 21 to 23 under 35 U.S.C. §103(a) as being patentable over Summers et al (US6976734) in view of Linden et al (US6549773) and provides a "Response to Arguments" section in the final Office Action addressing applicants' substantive comments provided in applicants' response of November 28, 2006. Unfortunately, the Examiner's responses rather miss the point being based on a perverse misconstruction of the term "automatically" as employed in the claims and ignoring the limitations that apply to said feature of the web-based telephony application instructing, at the future specified time, a telephony apparatus to automatically establish a telephone call.

The Examiner again refers to column 11, lines 1 to 14 and column 4, lines 44 to 48 of Summers for the disclosure of the feature of "to automatically establish a telephone call", but as clearly argued by applicants in applicants' previous response, these parts of Summers teach no such thing.

Column 11, lines 1 to 14 of Summers concerns the allocation of resources in response to a request to establish a conference call. However, this allocation is in the context of providing confirmation that the requested resources will be *available* at the future time the conference is scheduled for, but has nothing to do with the automatic establishment of the conference call at said specified future time. This allocation occurs in advance of the scheduled time and so does not teach what happens at the future (scheduled) time. In Summers, the establishment of the conference call at the scheduled (specified future) time still requires manual intervention as discussed in applicants' previous response.

Summers, column 4, lines 44 to 48 concerns the display, automatically or on request, of data stored in database 22 to callers who have joined the conference call. This happens following the establishment of the conference call and thus, this automatic display of information has nothing to do with the automatic establishment of the conference call at said specified future time. The establishment of the conference call at the scheduled (future) time still requires manual intervention as previously submitted.

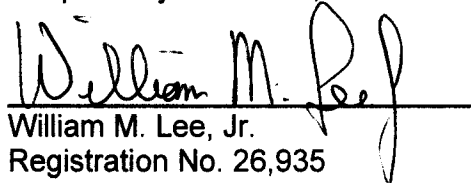
Applicants maintain as pertinent the entirety of its response of November 28, 2006 and asks that it be reconsidered in light of the foregoing as part of this response.

The foregoing submission is equally applicable to all independent claims.

In view of the foregoing, it is respectfully submitted that this application is now in condition for allowance, and such action is solicited.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", is written over a horizontal line.

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